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GlaxoSmithKline

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Date 2/16/06 Pages including cover 6
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Subject Serial No.: 10/530,810
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Filing Date: 4/8/05
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Attached:

Amendment Transmittal
Response to Restriction Requirement
Certificate of Transmission

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FEB 16 2006

AMENDMENT TRANSMITTAL LETTER (Large Entity)					Docket No. PU4807USW									
Applicant(s): Brown et al.														
Application No. 10/530,810	Filing Date 4/8/05	Examiner Joseph R. Kosack	Customer No. 23347	Group Art Unit 1626	Confirmation No. 7741									
Invention: CHEMICAL COMPOUNDS														
COMMISSIONER FOR PATENTS:														
Transmitted herewith is an amendment in the above-identified application. The fee has been calculated and is transmitted as shown below.														
CLAIMS AS AMENDED														
	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST # PREV. PAID FOR	NUMBER EXTRA CLAIMS PRESENT	RATE	ADDITIONAL FEE									
TOTAL CLAIMS	36 -	36 =	0	x \$50.00	\$0.00									
INDEP. CLAIMS	4 -	4 =	0	x \$200.00	\$0.00									
Multiple Dependent Claims (check if applicable) <input type="checkbox"/>					\$0.00									
TOTAL ADDITIONAL FEE FOR THIS AMENDMENT					\$0.00									
<input checked="" type="checkbox"/> No additional fee is required for amendment. <input type="checkbox"/> Please charge Deposit Account No. _____ in the amount of _____ <input type="checkbox"/> A check in the amount of _____ to cover the filing fee is enclosed. <input checked="" type="checkbox"/> The Director is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account 07-1392 <input checked="" type="checkbox"/> Any additional filing fees required under 37 C.F.R. 1.16. <input checked="" type="checkbox"/> Any patent application processing fees under 37 CFR 1.17. <input type="checkbox"/> Payment by credit card. Form PTO-2038.														
WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.														
<i>Kathryn L. Coulter</i> Signature			Dated: 2/16/2006											
Kathryn L. Coulter, Reg. No. 45,889 Attorney for Applicants GlaxoSmithKline Five Moore Drive, PO Box 13398 Research Triangle Park, NC 27709-3398 Telephone: (919) 483-1467 Facsimile: (919) 483-7988			<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td colspan="2">I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on _____</td> </tr> <tr> <td colspan="2" style="text-align: center;">(Date)</td> </tr> <tr> <td colspan="2" style="text-align: center;">Signature of Person Mailing Correspondence</td> </tr> <tr> <td colspan="2" style="text-align: center;">Typed or Printed Name of Person Mailing Correspondence</td> </tr> </table>				I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on _____		(Date)		Signature of Person Mailing Correspondence		Typed or Printed Name of Person Mailing Correspondence	
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P11LARGE/REV09

FEB 16 2006

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re patent application of: *Brown et al.*

Application No.: 10/530,810

Confirmation No. 7741

Filed: April 8, 2005

Art Unit: 1626

Examiner: Joseph R. Kosack

For: CHEMICAL COMPOUNDS

Customer No.: 23347

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

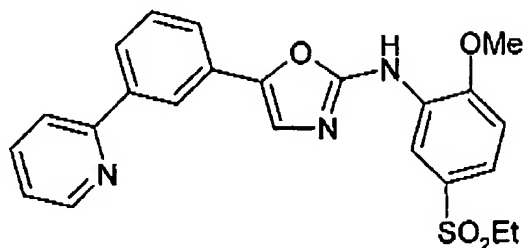
RESPONSE TO RESTRICTION REQUIREMENT

Sir:

This paper is submitted in response to the Office Action mailed January 23, 2006. Early examination of the application on the merits is earnestly solicited.

Claims 1-14, 22-42 and 44 are pending in the present application. The Office Action states that the claims lack unity of invention, and requires the Applicants to make a selection of a group of claims for prosecution. According to the Office Action, Applicants must either select a group consisting of claims 1-8 as drawn to a single compound of the invention, or must select the group corresponding to claims 9-14, 22-42, and 44.

Applicants provisionally elect with traverse to prosecute claims 1-8 as drawn to the following compound:



which is exemplified in Example 178 on page 153 of the specification. Applicants expressly reserve the right to file divisional applications or take such other measures deemed necessary to protect the inventions in the remaining claims and compounds.

The Examiner is respectfully requested to reconsider the finding of lack of unity of invention, and to examine the genus of compounds of Formula (II) as defined in original claim 3 in the present application. According to the *Manual of Patent Examining Procedure (MPEP)*, a Markush grouping of alternatives for a chemical compound is considered to meet the requirements of unity of invention if all of the alternatives have a common property or activity and a common structure is present. *MPEP* § 1850. The *MPEP* states that a common structure is present when "a significant structural element is shared by all of the alternatives." *Id.* The compounds encompassed by Formula (II) as defined in claim 3 meet the requirements for unity of invention because the compounds encompassed by this claim share a common activity as inhibitors of protein tyrosine kinases and also share a significant structural element, an *N*,5-diphenyl-1,3-oxazol-2-amine core. Accordingly, it is requested that the Examiner examine this genus of compounds in the present application.

Should the Examiner have any further questions or comments regarding the prosecution of this case, it is respectfully requested that the Examiner telephone the undersigned agent so that further examination of this application may be expedited.

Applicants believe that no fees are due in connection with the filing of this paper other than those specifically authorized herewith. However, should any other fees be deemed necessary to effect the timely filing of this paper the Commissioner is hereby authorized to charge such fees to Deposit Account No. 07-1392.

Respectfully submitted,



Kathryn L. Coulter
Attorney for Applicants
Registration No. 45,889

Date:

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Doc Code:

PTO/SS/97 (09-04)

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